

## REMARKS

Claims 1, 10 and 28 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,304,645 to Hardesty et al. Hardesty et al. is asserted to disclose a fishing apparatus comprising, a unitary buoyant board-like support member – at 18, having at least a pair of opposing gripping apertures or indentations provide therein – at 32, the gripping apertures or indentations. Applicant asserts that Hardesty et al. teaches “[t]he top panel 18 is further formed to provide a handle 32 at each end of the container so that it may be readily lifted and carried about.” (Hardesty et al., col. 2, lines 54-57).

Applicant has amended independent claims 1 and 28 to include the limitation of “a unitary buoyant board-like support member having at least a pair of opposing gripping apertures or upwardly facing indentions provided therein to serve as a surfacing aid.” (underlining used to show additions to the claim). It is asserted that Hardesty et al’s handles 32 are not apertures, but indentations. (See Hardesty et al., Figures 1 and 3). Furthermore, Hardesty et al’s handles 32 are downwardly facing indentations “so that it may be readily lifted and carried about.” Such handles 32 are not “gripping apertures or upwardly facing indentations” and would not “serve as a surfacing aid” since someone requiring support in the water would need to pull downward on the support member.

Support for the present amendment is found in the original application at page 6, lines 3-12 and Figure 1-4. Specifically, page 6, line 8 refers to indentations 24a-d in Figure 4, which are said to be “extending partially through the thickness of the support member” and are shown upwardly facing.

Claim 10 depends from claim 1 and is asserted to avoid anticipation for the same reasons. Withdrawal of the present rejection is requested.

Claims 12 and 24 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 3,357,127 to Barradale. Claim 12 includes the limitation of “a first upright tubular ~~[[gear]]~~ container secured to and extending substantially above the support member for supporting elongated fishing gear in a substantially vertical position above the support member.” (brackets included to show deletion). Applicant asserts that the examiner must be reading the claims language to mean “a first upright container for tubular gear” when the Applicant meant “a first upright tubular container for gear.” Figures 1-4 show “gear containers 28a-c” (Specification at page 8, line 9) as being tubular containers. By deleting the word “gear” from claim 12, it is clear that the claim requires a tubular container. Because Barradale does not disclose a tubular container, the claim is not anticipated. Withdrawal of the rejection is respectfully requested.

Regarding claim 24, it is asserted that Barradale does not disclose that “the fish container and first bait container oppose one another.” Anticipation requires that every element of the claims be present in the cited reference in the same manner as claims. Withdrawal of the rejection is respectfully requested.

Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hardesty et al. as applied to claim 1 above, and further in view of U.S. Patent No. 3,357,127 to Barradale.

Claims 4, 7, 9, 11 and 20-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hardesty et al. as applied to claim 1 above, and further in view of U.S. Patent No. 6,014,833 to Benavidez.

Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hardesty et al. as applied to claim 1 above, and further in view of U.S. Patent No. 4,918,853 to Bascom et al.

Claims 22-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hardesty et al. as modified by Benavidez as applied to claim 20 above, and further in view of U.S. Patent No. 4,794,723 to Arnold et al.

Claims 14-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Barradale as applied to claim 12 above, and further in view of U.S. Patent No. 6,405,478 to Westley.

Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hardesty et

al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,394,639 to Tentler.

Claims 17-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hardesty et al. as applied to claim 1 above, and further in view of U.S. Patent No. 6,269,587 to Wallace.

Claim 26 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Barradale as applied to claim 24 above, and further in view of Wallace.

Claim 27 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Barradale as applied to claim 25 above, and further in view of U.S. Patent No. 5,802,760 to Campbell.

Each of the claims rejection under 103(a), above, depend from one of the base claims 1, 12, 24 or 28. Applicant asserts that the foregoing amendments and remarks overcome the rejections of these base claims. Withdrawal of the rejections are respectfully requested.

In the event there are additional charges in connection with the filing of this Response, such as the associated two-month extension of time fee, the Commissioner is hereby authorized to charge the Deposit Account No. 50-0714/CORA/0002 of the firm of the below-signed attorney in the amount of any necessary fee.

Respectfully submitted,

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